



The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

January 25, 2006

The Honorable Robert J. Letourneau
Chairman, Senate Transportation and Interstate Cooperation Committee
Room 104
Legislative Office Building
Concord, NH 03301

Re: SB 341 relative to extending by one year the advisory-only period for OBD II testing

Dear Chairman Letourneau and Members of the Committee:

The Department of Environmental Services (DES) is pleased to offer testimony on proposed Senate Bill 341, which seeks to revise the On Board Diagnostic (OBD) requirement of the New Hampshire motor vehicle emissions testing program by extending by one year the advisory-only period for OBD II testing. DES opposes the bill as proposed.

I would like to point out that the General Court has thoroughly reviewed both the need and implementation of the vehicle emissions testing program, both in 1998 after the Departments of Safety (DOS) and Environmental Services (DES) had reached an agreement with the Environmental Protection Agency (EPA) regarding the state's Clean Air Act (CAA) requirement for emissions testing, and in the last session (during consideration of HB 513, HB 579, and SB 148). In both cases the General Court affirmed the need for the OBD inspection to be implemented on a statewide basis. In addition HB 513 established a legislative advisory committee to review contracts and recommend legislation and rules relating to OBD II testing.

In addition any revisions of this program should be carefully considered in light of the existing vendor contract for program management and implementation. Any breach of that contract could potentially cost the state several million dollars.

The current OBD program is also an enforceable component of the state's federally required State Implementation Plan (SIP) under the CAA and is the result of a carefully negotiated agreement with EPA to avoid sanctions for failure to implement the otherwise CAA required "tailpipe test" emissions testing program. These sanctions could include economic penalties on new business development in the state and/or loss of federal highway funds. In addition, should EPA fail to hold the state accountable for its SIP commitment, environmental organizations could file suit to require federal enforcement, thus eliminating the flexibility to substitute the more consumer friendly, less costly and intrusive OBD test contained in the state's agreement for the required "tailpipe test".

It should be noted that EPA actually began the 18 month process of imposing sanctions on the state in 1997, until the state ultimately agreed to implement the required program. Since that time DES and DOS have been able to provide valid reasons for delaying implementation of the

OBD requirement, such as EPA's own rules were not completed and switching over to an electronic data collection and reporting system.

At this point DES could not give any valid reason for further delay, other than that the legislature required it. Currently there are over 1600 participating stations and 4700 mechanics utilizing the electronic reporting system and over 7,000,000 OBD inspections have been performed to date. There have been less than 200 calls from the public (down to only 3 in October), of which more than 100 have been informational only. The last complaint was in July.

The OBD inspection also assists the state in meeting requirements to reduce or maintain vehicle emissions under a separate federal transportation requirement referred to as "transportation conformity". Meeting this requirement helps to ensure that economic development in the northern counties of the state does not preclude development of additional transportation options in that region. DES urges the Transportation Committee to vote inexpedient to legislate or table this bill, and allow the HB 513 committee to complete its work.

In summary the NH On Board Diagnostic vehicle inspection program is a relatively low cost program that is consumer friendly, significantly reduces air pollution, provides numerous health and safety benefits to consumers, and meets the state's obligations under the Clean Air Act. Most responsible citizens of the state already respond to the "check engine" light, getting necessary repairs as necessary. The NH OBD program will ensure that at least annually everyone will be required to maintain their vehicle emission systems. The repair community has been ready to implement the program for several years and further delay or revision is unwarranted.

Thank you for your attention in this matter. I have attached additional background information on the need for and implementation of the OBD testing program. Should you have further questions or need additional information please feel free to contact Robert R. Scott, Director, Air Resources Division (271-1088, rscott@des.state.nh.us) or Michael Fitzgerald, Supervisor, Mobile Source Planning (271-6390, mfitzgerald@dse.state.nh.us).

Sincerely,


for Michael P. Nolin
Comissioner

cc: SB 341 sponsors